

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

205

**CWP No.16256 of 2016
Date of Decision : 14.9.2023**

*Dharamvir**..... Petitioner**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Mukesh Yadav, Advocate, for the petitioner

Mr. Rohit Arya, DAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

This petition has been filed seeking a writ of *mandamus* directing the respondents to regularise the petitioner's service w.e.f. 1.10.2003, the date from which similarly placed employees have been regularised, alongwith all consequential benefits in terms of letter dated 10.9.2014, Annexure P-3.

2. It is contended by learned counsel for the petitioner that the petitioner was engaged as *Beldar* in the respondent Department w.e.f. 1.4.1996, though date of engagement is disputed by learned State counsel, who contends the petitioner was engaged w.e.f. 1.4.1997. He was discontinued in service which led a reference being sent to the Labour Court. It was finally decided vide award dated 27.1.2006, Annexure P-1, by ordering his reinstatement with continuity of service, without backwages. Based on that the petitioner was regularised in service as *Beldar* vide order dated 21.10.2014, w.e.f. 30.6.2014.

3. In the instant petition, the claim for antedated regularisation has been raised on the basis of memo dated 10.9.2014, Annexure P-3, whereby the petitioner alongwith other similar situated employees in the Department was recommended for regularisation w.e.f. 1.10.2003.

4. Learned counsel for the petitioner contends that all other employees who were so recommended for antedated regularisation alongwith the petitioner, vide memo dated 10.9.2014, have already been regularised w.e.f. 1.10.2003, vide order Annexure P-5. Therefore, the petitioner also has a right to be so considered and regularised.

5. Written statement has been filed on behalf of the respondents, *inter alia*, stating that policies of regularisation have been withdrawn by the Government. However, as per policy dated 1.10.2003, the petitioner is not entitled to regularisation as he did not fulfill the required condition of completing three years of regular satisfactory service on 30.9.2003. He was not in service on that date as he did not work in the Department from 1.1.2000 to 27.1.2006.

6. Heard.

7. The objection taken in the written statement is not sustainable being contrary to the Labour Courts' award dated 27.1.2006, whereby the petitioner was reinstated with continuity in service without backwages. Once the continuity in service has been provided, there is no basis for the respondents to reject the petitioner's claim for regularisation on the ground of not being in service from 1.1.2000 to 27.1.2006, since this period already stands regularised by providing him continuity in service; he is, therefore, deemed to be in service during this period and also on the specified dated 30.9.2003.

8. In view of above, this petition is disposed of directing respondent no.2 to consider the petitioner's case for regularisation afresh by considering him in service with effect from the date of reinstatement and also on 30.9.2003, and pass a speaking order in accordance with law, within a period of six weeks from the date of receiving certified copy of this order.

(TRIBHUVAN DAHIYA)
JUDGE

14.9.2023

Ashwani

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No